

REMARKS

The applicant appreciates the Examiner's thorough examination of the subject application and requests reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

Concerning items 3-4 of the subject action, the Examiner rejects claims 1-7, 9-21 and 26-30 under 35 U.S.C. 103(a) as being unpatentable over Stautner et al in view of Ozkan et al.

Applicant claims (in amended claim 1):

A method of broadcasting data, comprising: (a) sending to a receiver scheduling information that includes a scheduled time and identifies an encoding format; (b) selecting one viewer application, capable of processing a broadcast of data in the encoding format at the scheduled time, from a plurality of viewer applications; and (c) broadcasting the data at the scheduled time. (*Emphasis Added*)

Stautner in view of Ozkan fails to disclose element (b) of applicant's amended claim 1 namely "a method of broadcasting data, comprising . . . selecting one viewer application, capable of processing a broadcast of data in the encoding format at the scheduled time, from a plurality of viewer applications". Specifically, the combination of Stautner and Ozkan does not teach selecting one viewer application from a plurality of viewer applications as a method of broadcasting data. Of the claims rejected by the Examiner, claims 1, 10, 14, 16, 18, and 26 (as amended) are independent claims, all of which identify "selecting a viewer application from a plurality of viewer applications to process data broadcasts". Accordingly, applicant respectfully asserts that claims 1, 10, 14, 16, 18, and 26 (as amended) are patentable over Stautner in view of Ozkan. Further, applicant respectfully asserts that claims 2-7, 9, 11-13, 15, 17, 19-21, and 27-30 (as amended) are patentable, as they depend (either directly or indirectly) upon an allowable base claim.

In support of this rejection of claims 1-7, 9-21 and 26-30, the Examiner states "Ozkan is evidence that ordinary workers in the art would recognize the benefit of embedded encoding format data within electronic program guide scheduling information in order to identify various decoding programs for the decoding and playback of broadcast data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Stautner with the embedded encoding format information of Ozkan in

order for a user's terminal to identify what broadcast data it is capable of receiving and decoding using one or more viewer applications".

Ozkan teaches "an adaptive decoder for decoding the bitstream to provide the video channel output" (col 2, lines 44-46). Ozkan also teaches "The compressed video and audio output data from processor 55 is decompressed by MPEG decoder 60" (col 7, lines 5-6). Thus, Ozkan only discloses one decoder for processing a broadcast of data. This decoder uses "parameters indicative of coding type and modulation format [which] are advantageously incorporated in Program Guide information within the transmitted signals in order to facilitate the receiving and decoding of the variable broadcast encoding formats" (Ozkan, col 3, lines 17-21). Ozkan makes no mention of selecting one viewer application out of a plurality of viewer applications for decoding the broadcast of data.

Stautner teaches using multiple client/server viewer applications (as opposed to broadcast viewer applications) such as web pages, chat sessions, or games, but as the title suggests, Stautner teaches an integrated content guide, not a means for decoding broadcasts of data. The purpose of the teaching of Stautner is (according to Stautner's abstract), "This allows for the embedding within the content guide what could be additional commercial information. The embedding may also be as to additional information for other related television or radio shows or the like. Information can be additional television shows, related information or activities on on-line services or automatic telephone ordering of products or services being displayed". Thus, Stautner does not disclose a system that identifies viewer applications that are capable of processing an encoded broadcast of data at the scheduled time. Accordingly, the software applications that Stautner discloses (and the method of using these applications) is ancillary to and separate from the viewing of the broadcast shows. Therefore, Stautner fails to disclose a system that identifies the encoding format of the data being broadcast.

The combination of Stautner and Ozkan would not be "a method of broadcasting data comprising: . . . selecting one viewer application, capable of processing a broadcast of data in the encoding format at the scheduled time, from a plurality of viewer applications" because Stautner does not teach selecting one viewer application from a plurality of viewer applications for broadcast data. Thus, the combination of Stautner and Ozkan would result in perhaps sending encoding format of broadcast data with schedule information but this lacks the essential element

of selecting one viewer application from a plurality of viewer applications for broadcast data. Furthermore, Stautner provides no motivation for one skilled in the art to add sending encoding format of broadcast data to Stautner's integrated content guide.

Concerning item 5 of the subject action, the Examiner rejects claims 22-25 under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Ozkan. Applicant claims (in amended claim 22):

A data storage device encoding computer executable instructions for a method of broadcasting data, the instructions to cause a system to: (a) send information to a receiver about a scheduled time and encoding format for a broadcast of data, the encoding format being indicative of one viewer application selected from a plurality of viewer applications for processing the data; and (b) broadcast the data at the scheduled time. (*Emphasis Added*)

Hendricks in view of Ozkan fails to disclose element (a) of applicant's amended claim 22, namely "send information to a receiver about a scheduled time and encoding format for a broadcast of data, the encoding format being indicative of one viewer application selected from a plurality of viewer applications for processing the data". Specifically, the combination of Hendricks and Ozkan does not teach sending an encoding format that is indicative of one viewer application selected from a plurality of viewer applications for processing the data.

Of the claims rejected by the Examiner, claim 22 is an independent claim that identifies selecting one viewer application from a plurality of viewer applications. Accordingly, applicant respectfully asserts that claim 22 (as amended) is patentable over Hendricks in view of Ozkan. Furthermore, applicant respectfully asserts that claims 23-25 (as amended) are patentable, as they depend directly upon an allowable base claim 22.

In support of this rejection of claims 22-25, the Examiner states "it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Hendricks with the embedded encoding format information of Ozkan in order for a user's terminal to identify what broadcast data it is capable of receiving and decoding using one or more viewer applications."

However, the combination of Hendricks and Ozkan would not be "a data storage device encoding computer executable instructions for a method of broadcasting data, the instructions to cause a system to send information to a receiver about a scheduled time and encoding format for

Applicant : Jay H. Conner
Serial No. : 09/412,792
Filed : October 5, 1999
Page : 10 of 10

Attorney : Docket No.: 10559-055001 / P7404

a broadcast of data, the encoding format being indicative of one viewer application selected from a plurality of viewer applications for processing the data" because neither Hendricks nor Ozkan teach selecting one viewer application from a plurality of viewer applications for broadcast data. Thus, the combination of Hendricks and Ozkan would result in perhaps sending encoding format of broadcast data with schedule information but this lacks the essential element of selecting one viewer application from a plurality of viewer applications for broadcast data. Furthermore, Hendricks provides no motivation for one skilled in the art to add sending encoding format of broadcast data to Hendricks' digital television program delivery system.

Concerning item 6 of the subject action, the Examiner rejects claim 8 under 35 U.S.C. 103(a) as being unpatentable over Stautner in view of Ozkan and further in view of the Advanced Television Enhancement Forum Specification (ATVEF). Applicant respectfully asserts that claim 8, as amended, is patentable because claim 8 depends on allowable base claim 1, as amended.

Accordingly, applicant respectfully asserts that all claims (as amended) are now in condition for allowance.